

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICHARD DeLUCA,

Plaintiff,

- against -

HENRY M. PAULSON, JR.,

Defendant.

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**REPORT AND  
RECOMMENDATION**

08 CV 4089 (NGG)

By Order dated March 16, 2009, this Court noted that no action had been taken by any party in this case since October 6, 2008. The Order explicitly stated that “[a] Report and Recommendation will issue, recommending that the case be dismissed for lack of prosecution, if within thirty (30) days of the date of this Notice no further proceedings have been commenced by any party or if no explanation for the lack of proceedings has been filed and approved by the Court.”

Since the Court has received no response to its Order and nothing has transpired in this case, this Court respectfully recommends that the case be dismissed for failure to prosecute.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court’s Order.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

**SO ORDERED.**

Dated: Brooklyn, New York  
April 22, 2009

  
Cheryl L. Pollak  
United States Magistrate Judge